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SETTLERS ON THE CROW CREEK AND WINNEBAGO RES-
ERVATION IN SOUTH DAKOTA.

FEBRUARY 20, 1894.—Committed to the Committee of the Whole House on the state
of the Union and ordered to be printed.

Mr. TURPIN, from the Committee on Indian Affairs, submitted the fol-
lowing

REPORT:

[To accompany H. R. 319.]

The Committee on Indian Affairs, having had under consideration the bill (H. R. 319) providing for the payment of damages to settlers upon the Crow Creek and Winnebago Indian Reservation, in the State of South Dakota, recommend that the bill be amended by striking out lines 5 and 6 and inserting the following words: "And sixteen thousand one hundred and nineteen dollars and nineteen cents, for payment of damages resulting to nine hundred and forty-four;" also, amend by inserting word "now" after words "in the," in line 8; also, by striking out lines 12 and 13 and inserting the following words: "The Government, and there is also hereby appropriated the further sum of three thousand dollars, or so much thereof as may be necessary, to reimburse such of the fifteen additional settlers, whose claims are held for further proof, in such amounts as may be found justly due them by the Secretary of the Interior."

And that the bill as so amended do pass.

The committee find the facts in this case to be that on the 27th day of February, 1885, President Arthur, by executive order, opened to settlement certain lands of the "Old Winnebago Reservation and Sioux or Crow Creek Reservation," in the now State of South Dakota.

Thereupon a large number of persons settled upon said tract of land, under the provisions of the public land laws of the United States.

Upon the 17th day of April, 1885, President Cleveland, by proclamation, made declaration as follows:

I, Grover Cleveland, President of the United States, do hereby declare and proclaim the said Executive order of February 27, 1885, to be in contravention of the treaty obligations of the United States with the Sioux tribe of Indians, and therefore to be inoperative and of no effect; and I further declare that the lands intended to be embraced therein are existing Indian reservations and as such available for Indian purposes alone and subject to the Indian intercourse acts of the United States. I do further warn and admonish all and every person or persons now in the occupation of said lands under color of said Executive order, and all such person or persons as are intending or preparing to enter and settle upon the same thereunder, that they will neither be permitted to remain or enter upon said lands, and such persons as are already there are hereby required to vacate and remove therefrom with their effects within sixty days from the date hereof; and in case a due regard for and voluntary obedience to the laws and treaties of the United States, and this admonition and warning, be not sufficient to effect the purpose and intentions as herein declared, all the power of the Government will be employed to carry into proper execution the treaties and laws of the United States herein referred to.

Under this order the settlers were compelled to vacate the land upon which they had settled.

These settlers had, before the issuance of President Cleveland's proclamation, built houses, stables, corrals for stock, and made other improvements, which they were compelled to abandon and by which they suffered severe loss.

Recognizing the justice of compensating these settlers for their actual losses, for which they were in no way responsible, Congress on the 1st day of October, 1890, passed an act authorizing the Secretary of the Interior to appoint a special agent to inquire into and take evidence as to the loss sustained by such settlers, and to report his findings to the Secretary of the Interior.

The Secretary was required to "transmit the report of the special agent" to Congress, with his recommendations thereon. (26 Stat., 659.)

Under the authority of this act a special agent was appointed, who went to the reservation and vicinity, made a thorough and exhaustive examination, taking evidence and gaining all the information practical upon the individual claims, and made his report to the Secretary of the Interior.

The Secretary of the Interior caused a thorough examination of this report by the Indian Office, each claim being carefully scrutinized, examined, and corrected in accordance with the views of the Secretary of the Interior.

The result of this examination, the correspondence between the Secretary of the Interior and the Commissioner of Indian Affairs concerning same, the reasons for conclusions, schedule of the names of claimants, date of settlement, description of tracts settled upon, amounts allowed, remarks concerning the individual claims, with letter of the Secretary transmitting same to Congress are all fully set forth in Senate Ex. Doc. No. 32, second session Fifty-third Congress, reference being herein made to said document.

The Secretary, in compliance with the provision of the law, recommends—

An appropriation of \$116,199.19 for the reimbursement of losses sustained by the 944 settlers covered by the schedule and for an additional appropriation of \$3,000, or so much thereof as may be necessary, to reimburse such of the 15 other settlers whose claims are held for further proof.

The letter of the Secretary of the Interior, transmitting his report to Congress, with recommendation for the appropriation, is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1894.

SIR: I have the honor to transmit herewith copy of a communication of 25th instant from the Commissioner of Indian Affairs, together with a schedule giving the names of the settlers upon the Crow Creek and Winnebago Reservation, in South Dakota, and the amount of damages sustained by them between February 27, 1885, the date of issuing the Executive order opening a part of said reservation to settlement, and April 17, 1885, the date of the President's proclamation declaring said reservation to be not subject to settlement, and notifying all settlers thereon to vacate within sixty days.

This schedule was prepared by the Commissioner of Indian Affairs from the report made by Special Agent Pease, appointed under the provisions of the act of October 1, 1890 (26 Stat., 659), to ascertain these damages.

The matter has been considered by the Department, as shown by the accompanying correspondence, and it is submitted with recommendation for an appropriation of \$116,199.19 for the reimbursement of losses sustained by the 944 settlers covered by the schedule, and for an additional appropriation of \$3,000, or so much thereof as may be necessary, to reimburse such of the 15 settlers whose claims are held for further proof as may be found entitled.

The original report of the special agent, and the general affidavits bearing on the

prices of materials, and the fees charged said settlers during the period of settlement in 1885, have this day been forwarded to the Speaker of the House of Representatives. The testimony, papers, and reports in behalf of the several claims, being very voluminous, are retained in the office of Indian Affairs subject to the call of Congress or its committees.

I have the honor to be, very respectfully,

HOKE SMITH,
Secretary.

The PRESIDENT OF THE SENATE.

The bill with proposed amendments, of the committee, complies strictly with the recommendation of the Secretary. The justice of the claims of these settlers commends itself with such emphasis to every fair-minded man that further argument is superfluous. They entered upon these lands and made their improvements in accordance with the Executive order of the President, settling under the homestead and preemption laws.

They were evicted under a proclamation of the President, thereby suffering loss for which they were in no wise responsible. They were generally persons of small means and illy able to bear the loss.

The damages allowed are very conservative in amounts, actual expenses only, and generally below the amounts as found by the special agent.

These settlers have patiently waited for nearly nine years for the Government to reimburse them for the losses which it inflicted. We respectfully submit that they should wait no longer.

The committee are unanimously of the opinion the bill should pass.

